

REMARKS

The final Office Action of October 30, 2008, has been received and reviewed.

Claims 1-69 and 142-207 are currently pending and under consideration in the above-referenced application. Of these, claims 1-21, 47-69, and 142-207 have been allowed and claims 30, 32, 38, 40-43, 45, and 46 are drawn to allowable subject matter. Claims 22-29, 31, 33-37, 39, and 44 have been rejected.

It is proposed that claims 22, 29, 31, 35, 37, and 44 be canceled without prejudice or disclaimer, and that each of claims 30, 32, 38, 40, 43, and 45 be amended to independent form.

Reconsideration of the above-referenced application is respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 23 and 27 have been rejected under 35 U.S.C. § 112, second paragraph, for reciting subject matter that is purportedly indefinite. Specifically, it has been asserted that the recitation of “said substrate” in claims 23 and 27 is unclear, as independent claim 22, from which claims 23 and 27 depend, recites a “first substrate” and a “second substrate.”

It is respectfully submitted that independent claim 22 (and, now, amended independent claim 30), from which claims 23 and 27 does not recite a “first substrate” and a “second substrate.” Rather, independent claim 22 (and amended independent claim 30) is drawn to a component that includes “a substrate.” In addition, independent claim 22 (and amended independent claim 30) recites that a first member, which protrudes from “said substrate,” is configured complementarily to a second member, which is secured to “another substrate.” The distinction between “substrate” and “another substrate” in independent claim 22 (an amended independent claim 30) is clear. Thus, the recitations of “said substrate” in claims 23 and 27 clearly apply to the “substrate,” not to the “another substrate.”

Accordingly, it is respectfully submitted that claims 23 and 27 both comply with the definiteness requirement of the second paragraph of 35 U.S.C. § 112. As such, withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of claims 23 and 27 is respectfully solicited.

Rejections under 35 U.S.C. § 102

Claims 22-24, 26-31, 33-37, 39, and 44 have been rejected under 35 U.S.C. § 102(b) for being drawn to subject matter that is allegedly anticipated by the subject matter described by U.S. Patent 5,411,400 to Subrahmanyam et al. (hereinafter “Subrahmanyam”).

A claim is anticipated only if each and every element, as set forth in the claim, is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). That single reference must show the identical invention *in as complete detail and in the same arrangement as that contained in the claim*. *Net MoneyIn, Inc. v. Verisign*, 545 F.3d 1359, 1369-70 (Fed. Cir. 2008); *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

It is proposed that independent claim 22 be canceled without prejudice or disclaimer.

It is also proposed that claims 30, 32, 38, 40, 43, and 45, which are drawn to allowable subject matter, be amended to independent form, to include all of the limitations of independent claim 22 and any previously intervening claims. It is further proposed that claims 23 and 26-28 be amended to depend from amended independent claim 30 and that claims 29 and 31 be canceled without prejudice or disclaimer.

It is proposed that claim 31 be canceled without prejudice or disclaimer, and that claim 33 be amended to depend from amended independent claim 32.

It is also proposed that claims 35 and 37 be canceled, and that claims 36 and 39 be amended to depend from amended independent claim 38.

In addition, it is proposed that claim 44 be canceled without prejudice or disclaimer.

If entered, these proposed claim revisions will render moot all of the remaining rejections that have been presented under 35 U.S.C. § 102(b). Accordingly, entry of the proposed claim revisions is respectfully solicited, as is withdrawal of the 35 U.S.C. § 102(b) rejections of claims 22-24, 26-31, 33-37, 39, and 44.

Rejections under 35 U.S.C. § 103(a)

Claim 25 has been rejected under 35 U.S.C. § 103(a) for being directed to subject matter that is purportedly unpatentable over the teachings of Subrahmanyam, in view of teachings from U.S. Patent 5,646,442 to Abe et al. (hereinafter “Abe”).

Claim 25 is allowable, among other reasons, for depending indirectly from amended independent claim 30, which is allowable.

According, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 25 is respectfully solicited, as is the allowance of claim 25.

Entry of Amendments

It is respectfully requested that the proposed amendments be given sufficient consideration that a determination may be made as to whether they place any of the claims in condition for allowance or reduce the number of issues that remain for purposes of appeal. M.P.E.P. § 714.13(III).

Entry of the proposed claim amendments is respectfully solicited. It is respectfully submitted that none of the proposed claim amendments introduces new matter into the above-referenced application, and it is not believed that their entry would necessitate another search. It is also believed that the proposed claim amendments eliminate all of the issues that remain for purposes of appeal.

In the event that a decision is made not to enter the proposed claim amendments, their entry upon the filing of a Notice of Appeal in the above-referenced application is respectfully requested.

CONCLUSION

It is respectfully submitted that each of claims 1-21, 23-28, 30, 32-34, 36, 38-43, 45-69, and 142-207 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain

which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



Brick G. Power
Registration No. 38,581
Attorney for Applicants
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: December 30, 2008

BGP/djp:ec

Document in ProLaw